

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael John Bui,

File No. 19-cv-2785 (ECT/KMM)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

U.S. Attorney, Chad A Blumenfield, U.S.
Marshals,

Defendants.

The Court has received the January 23, 2020 Report and Recommendation of United States Magistrate Judge Katherine Menendez. ECF No. 12. No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 12] is **ACCEPTED**;
2. Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [ECF No. 2] is **DENIED**; and
4. Defendants' Motion to Dismiss [ECF No. 6] is **DENIED** as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 12, 2020

s/Eric C. Tostrud
Eric C. Tostrud
United States District Court